

PUBLIC NOTICE

PERMIT APPLICATION: NRS 06.251

APPLICANT: Victory Real Estate Investment
ATTN: Mr. Jim Loftin
506 Manchester Expressway, Suite B5
Columbus, GA 31904
(706) 327-4774

LOCATION: unnamed tributary to Drakes Creek, located north of Highway 31E and south of Vietnam Veterans Boulevard in the Indian Lake Center development on Indian Lake Boulevard in Hendersonville, Sumner County, Tennessee, at approximately 36.3208°N/86.6015°W.

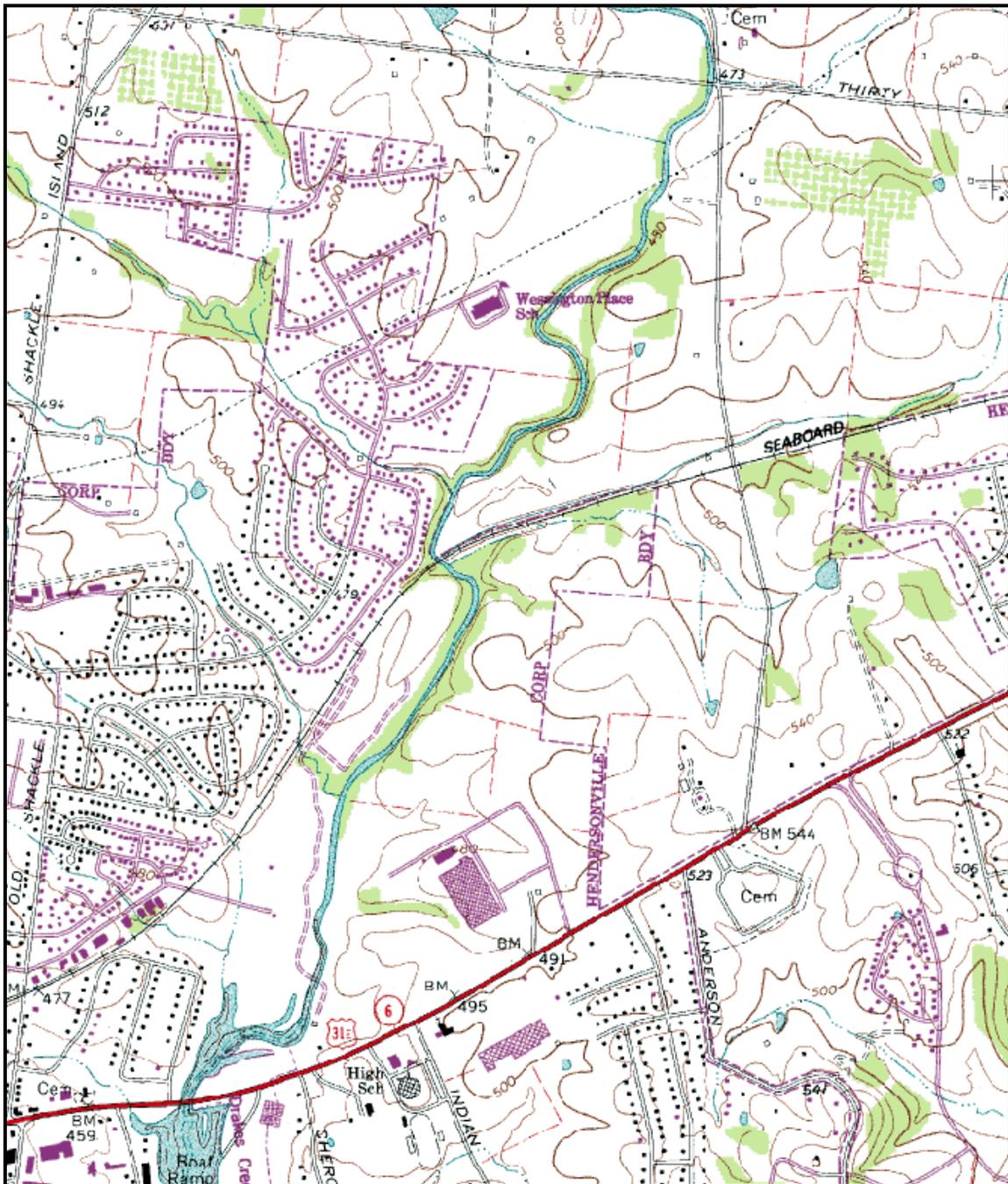
WATERSHED DESCRIPTION: Cumberland – Old Hickory Lake watershed, small first order tributary currently surrounded by mountains of fill material associated with active construction activities, some of which have directly impacted the tributary. Its lower section is most likely frequently inundated when Drakes Creek is at flood stage. Tier 1 water.

PROJECT DESCRIPTION: The purpose of the proposed activity is to facilitate the development of Indian Lake Center Phase 5, of which this property is a portion. The development will provide commercial, retail and professional services within the city limits of Hendersonville. There are two springs near the centroid of the subject development, flowing in a westerly direction toward Drakes Creek. These two springs are located within Lot H and within the parking lot section that is between a proposed hotel site and a proposed major anchor. The applicant proposes to install two concrete spring boxes and encapsulate approximately 195 feet of stream in 15-inch concrete pipe. The pipe will outfall to the existing remaining channel and continue to Drakes Creek. Mitigation will include payment in the amount of \$39,000 to the in-lieu-fee Tennessee Stream Mitigation Program. Alternatives considered included total avoidance resulting in considerable cost of necessary retaining wall, eliminated potential building area due to parking lot loss, eliminated potential building area and impaired travel flow for customers and critical services. Onsite mitigation was considered, but determined unsuitable (by TDEC and USACE). Off-site mitigation was considered at Drakes Creek Recreational Complex. This alternative was rejected because there was not enough stream length suitable for mitigation; the riparian buffer requirement of 50 feet would probably not be acceptable to the City of Hendersonville due to various existing improvements such as walking/jogging trails and parking lots and the entire area is being mowed and maintained; and liability associated with the construction activities within that environment.

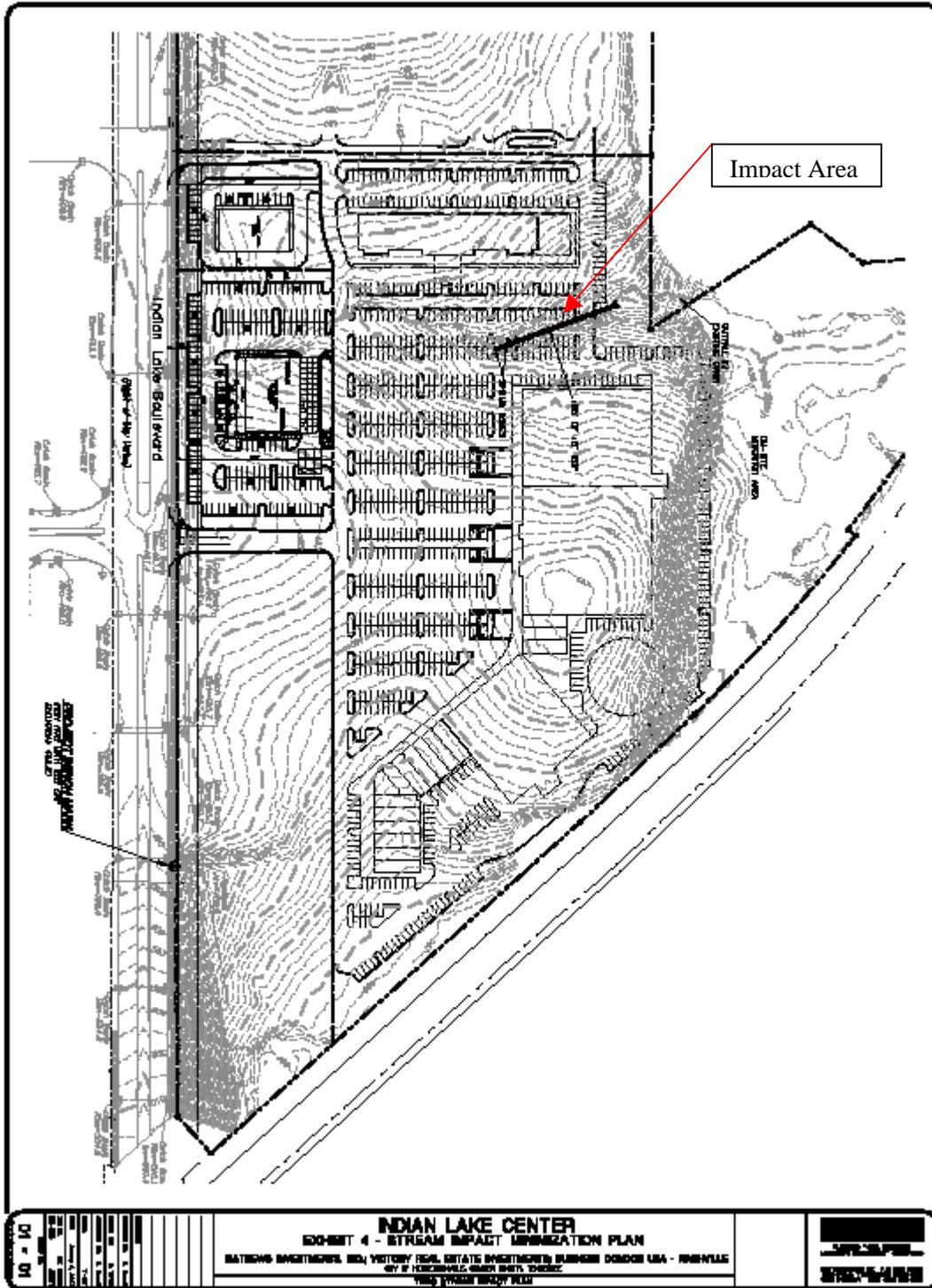
Due to the impacts proposed herein, the division has determined that the proposed activity will result in degradation to water quality on the impacted waterbody.

USGS TOPOGRAPHIC QUADRANGLE: Hendersonville Quad (310-SE)

Topographic Map



Plan



PERMIT COORDINATOR: Kelly Morrison

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address for review and/or copying. The department's address is:

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

In deciding whether to issue or deny a permit, the department will consider all comments on record and the requirements of applicable federal and state laws.